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ABSTRACT

After 38 of the 41 delegates signed it on September 17, 1787, the U.S. Constitution was sent to the Continental Congress in New York where a vote was taken to pass the document to the 13 states for ratification. The process began with a struggle in Congress between those who favored the document, or the Federalists, and those who opposed it, or the Antifederalists, and the battle continued at the states' conventions for ratification. Delaware was the first state to ratify the new government with Pennsylvania, New Jersey, Georgia, and Connecticut soon following. None of the remaining eight states promised such easy victory. Through political maneuvering by the Federalists, the document passed in Massachusetts, New Hampshire, Maryland, and South Carolina. The Antifederalists focused their arguments against the documents in Virginia and New York, from where the strongest opposition had come during the Constitutional Convention in Philadelphia, but these states soon joined the others. Only North Carolina and Rhode Island refused to call conventions and sustained from ratification until the new government was already functioning. (DJC)

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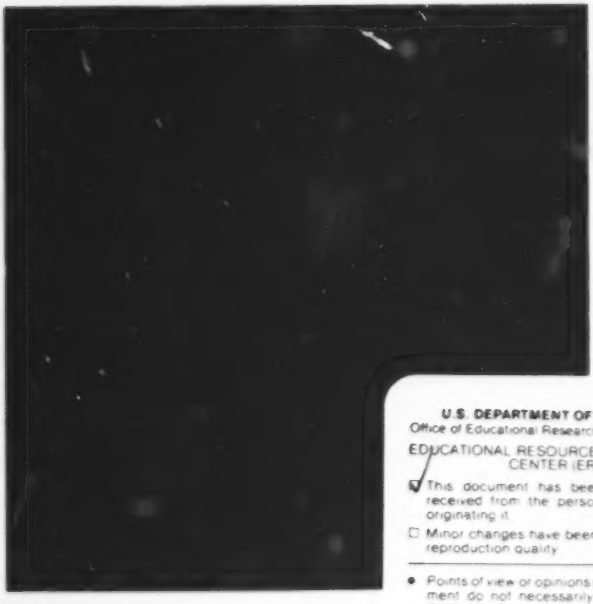

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The Ratification of the Constitution

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The U.S. Army Bicentennial Series

Introduction

Understandably, the nation's celebration of the Bicentennial of the Constitution focused initially on the momentous events that occurred in Philadelphia during the summer of 1787. But the Framers' effort would have counted for little if their handiwork had not won the approval of the special conventions organized in the ensuing months to consider the Constitution. An event of transcendent importance in the evolution of democratic government, the ratification of the Constitution is also an exciting political story that clearly demonstrates how the Federalists, those who sponsored the new republican form of government, and the Anti-federalists brought focus and understanding to the key issues for the ratification delegates. This process not only produced an enduring literature of political theory, but demonstrated how the nation's most noble political sentiments, enshrined in the Bill of Rights, actually emerged. In short, the ratification story deserves our study and our thoughtful consideration.

Men and women of the armed forces can take special pride in the realization that many of those who worked for ratification were military veterans. Using political skills and friendships developed during the Revolution, these Soldier-Statesmen played a major role in resolving the thorny issue of potential abuse of power in the Constitution and then went on to its defense in the various state conventions. Of particular interest to those of us who serve in the armed forces, the Constitution they helped write established for all time the precedent that the military, subordinated to civilian authority, would remain the servant of the Republic. That concept remains the underpinning of the professional identity and loyalty of the American soldier.

This pamphlet was prepared by the U.S. Army Center of Military History with the hope that it will provide you with the background of an important event in our history; stimulate you to learn more about the formation of our great Republic; and help you enjoy and appreciate the Bicentennial.

John O. Marsh, Jr.
Secretary of the Army

Ratification of the Constitution

On the afternoon of 17 September 1787, the delegates who had spent the summer in Philadelphia fashioning a new document to replace the Articles of Confederation assembled one last time. Meeting as before in the Pennsylvania State House (later called Independence Hall), they joined in a simple but formal ceremony to affix their signatures to the Constitution.

Many long debates were behind them. The final document contained a number of key provisions that reflected critical compromises between the two opposing sides: those who argued that survival depended on increasing the efficiency and strength of the central government and those, concerned most about potential abuses of power, who sought to reserve as much authority as possible to the states, where government was closer to the people. The Constitution had resolved these opposing emphases in a pragmatic and uniquely American way. It devised a federal system of checks and balances that divided responsibility between the states and the national government, separating the latter's powers into executive, legislative, and judicial branches and subordinating the military to elected civilian government.

When the final session of the Constitutional Convention opened, Secretary William Jackson probably read the finished document one more time, and Benjamin Franklin urged the doubters to make approval unanimous. In the end 38 of the 41 delegates present signed. Only Edmund Randolph and George Mason of Virginia and Elbridge Gerry of Massachusetts, who each had reservations over specific provisions and omissions, refused. John Dickinson of Delaware, who was absent because of illness, had his name affixed by fellow delegate George Read. About four in the afternoon Secretary Jackson also signed, certifying the other signatures, and the Convention adjourned. Jackson then set out for New York where, on 20 September, he delivered the Constitution with a covering letter from Washington to Charles Thomson, the secretary of the Continental Congress.

Transmittal did not turn the Constitution into the law of the land. The earlier Articles of Confederation went into force only after they had been ratified by the state legislatures. The delegates deliberately chose a different path this time, even though they knew that it would extend their own labors. Under Article VII, the Constitution had to be approved not by the legislatures but by citizens meeting in special conventions elected solely for that purpose. Only when a clear majority, nine, gave their assent, could the

new government begin, although everyone understood that the Framers intended all thirteen states to be part of the Union. This procedure gave substance to the Preamble's claim that the United States derived its authority from the people, not simply the states. It also set the stage for a political fight of unprecedented dimensions reflecting many of the debates heard first in the Convention. Once more the Soldier-Statesmen of the Constitution, those hundreds of veterans of the Revolutionary War who now served in key political posts throughout the thirteen states, would lend the weight of their experience to the ongoing process of nation-building.

THE OPPOSING SIDES

Attention quickly focused on the struggle between those in favor of the Constitution (the Federalists) and those opposed to it (who came to be called the Antifederalists). Although the proponents of the new federal system had little assurance that their work would be well received at home, they held the initiative. Realistic politicians, they had shied away from abstract philosophy during the Convention, and the Constitution they devised, built upon a century and a half of colonial experience and the lessons learned since 1775, sought to create an effective central government without putting personal liberties at risk.

The Antifederalists were more loosely organized and suffered the natural disadvantage of being an opposition with no comprehensive alternative to offer to meet the existing political and economic crisis. They could count on the leadership of just a handful of Convention delegates. Along with Mason and Gerry, these included Luther Martin and John Francis Mercer of Maryland and Robert Yates and John Lansing of New York and only a few other figures of national stature: Patrick Henry and Richard Henry Lee in Virginia, Samuel Chase in Maryland, and George Clinton in New York. These men called on the voters to reject the Constitution because of vaguely specified "defects." Actually, they tended to be inherently suspicious of any concentration of power, fearing a strong national government because it was further removed from the people than the state governments and therefore, in their view, more susceptible to abuse of power. Called by one historian "Men of Little Faith," they clung to older traditions and argued that a republic could survive only if it was kept small; their solution was to preserve a confederation of thirteen separate republics under a modified set of Articles of Confederation. Following the same logic, the Antifederalists also opposed the creation of a peacetime army and sought to limit the nation's military to state-controlled militias. Their arguments were couched in terms used a century earlier in England's "Glorious Revolution" and more recently against Parliament. Still, these were men of exceptional eloquence, many with names intimately associated

with the cause of independence, figures of importance in many key states. In sum, though the Federalists held the initiative provided by the Convention, they certainly had their work cut out for them.

The Federalists realized that the central issues raised by the Constitution touched many deeply held personal convictions about government and that the new debates would also inevitably become entangled in local politics. Led by the signers, the Federalists quickly established a nationwide network to coordinate the ratification effort. George Washington was the key to their hopes. Hero of the Revolution to a grateful public and beloved commander to a host of Continental veterans, Washington was the obvious choice to lead the new government if the Constitution went into effect. This fact alone was a major advantage for the Federalists, but beyond that, Washington, the consummate role model of the Soldier-Statesmen, lent his enormous prestige to the political fight. With assistance from such able lieutenants as signers James Madison and Alexander Hamilton and Secretary at War Henry Knox, he played a vital behind-the-scenes role in the enterprise. Not to be overlooked in this national alliance of Federalist strength were the Soldier-Statesmen themselves. These men had become convinced by their wartime experiences in the Army that a strong central government was essential if the promises of the Declaration of Independence were to be fulfilled. From their ranks had come the core support for the Constitution in Philadelphia; now they would join with their old commander to fight for its ratification in the separate state conventions.

The Federalists devised a two-part strategy. First, as a response to the charge that the Constitution might endanger the liberties won during the Revolutionary War, they embarked on an unprecedented campaign to bring their arguments to the public. In countless speeches, newspaper articles, and pamphlets, Federalist spokesmen focused on those issues where consensus was possible and ignored those that were potentially divisive. Three themes with broad popular appeal quickly emerged: the very real economic problems under the Articles, national security, and national pride. Secondly, as experienced politicians, the Federalist leaders also knew that timing had great tactical significance. By taking advantage of the fact that supporters of the Constitution already formed a majority in some states, they planned to create a sense of momentum calculated to swing undecided voters. At the same time, they decided to concentrate their efforts in Pennsylvania, Virginia, Massachusetts, and New York, the four states whose approval was deemed essential to the viability of the new nation because of their size, population, and wealth.

Antifederalists tended to avoid the national perspective. Instead, they focused on individual rights and local issues—areas, they believed, where potential abuse of power under the Constitution was most threatening. At

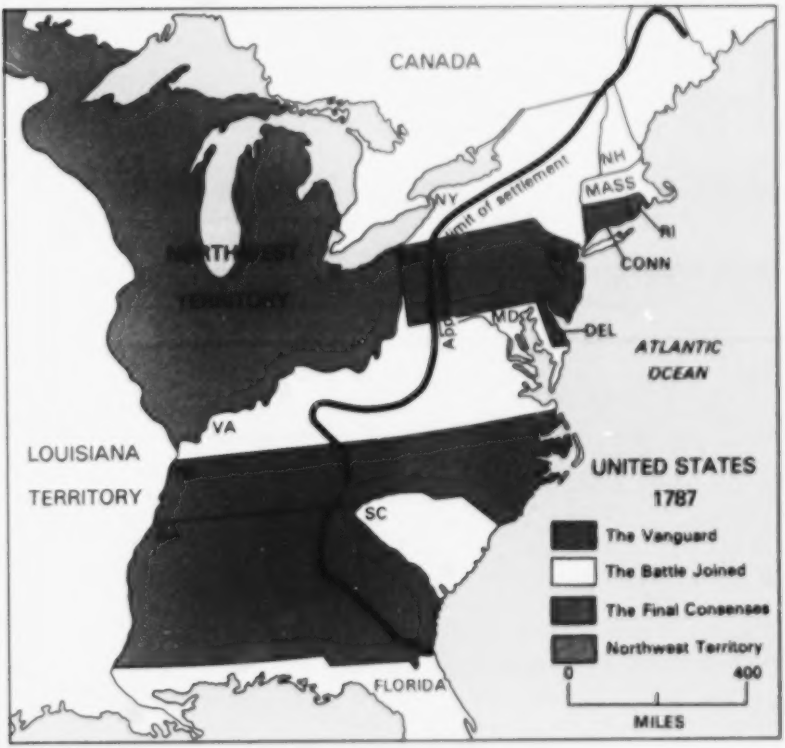
the heart of their argument, also put forward in speeches, pamphlets, and articles, were two specific objections to the new Constitution. They deeply feared its omission of a bill of rights to protect individual liberties, an item included in every state constitution adopted since the Revolution. They also considered the Constitution's supremacy clause (Paragraph 2 of Article VI) dangerous because, they charged, it could allow the central government to override rights and prerogatives of the individual states.

VANGUARD OF VICTORY

After signing the Constitution, most of the Framers returned to their homes to begin the arduous task of convincing their neighbors to support the new government. About a dozen others went to New York City where they resumed their seats in Congress and fought the first of the ratification battles. These Federalists quickly came under attack by Virginia's Richard Henry Lee and a handful of supporters. On 26 September 1787, Lee proposed a long list of changes to the Constitution, changes that in effect would have nullified the Framers' handiwork. But the Federalists had the votes. With only New York opposing, Congress agreed to send the Constitution without change to the state governments with a request that they call the required ratification conventions. On 28 September, to win over New York and make the congressional action unanimous, the Federalists agreed to a resolution in which Congress specifically took no stand on the Convention's work. The ratification struggle now passed to the states and entered the first of three distinct phases.

Pennsylvania's William Bingham had been nervously awaiting this news, for his state's legislature, now strongly pro-Federalist, would be adjourning on 29 September. The Federalists were looking for a quick call for a ratification convention in Pennsylvania before the Antifederalists could organize an opposition in the October state elections. As soon as Congress voted, Bingham paid a special courier to race across New Jersey with the news.

Actually, Pennsylvania's Federalists had already begun to act on their own initiative. Without waiting for the vote in New York, George Clymer introduced a call for a Pennsylvania convention. When a test vote indicated that this measure would pass easily, the outnumbered Antifederalists decided that their only hope of frustrating passage was to absent themselves, thus (by a lone vote) preventing a quorum. But the Federalists were not to be denied. When Bingham's messenger arrived with the news on the twenty-ninth, they sent the sergeant at arms to hunt down the missing



delegates. A mob found two of them first and literally dragged them to the State House, where they were seated against their will. The Federalists then quickly passed the necessary legislation and adjourned.

Outraged Antifederalists, charging that such strong-arm tactics proved that the Constitution itself was a threat to liberties, mustered their strength for the coming elections. With the publication of a series of letters signed by "Centinel" (probably Samuel Bryan), they began what would be the first of many press wars for popular support. They also sent news of their plight to sympathetic allies in other states, triggering similar campaigns elsewhere, although seldom with the personal vitriol common in the Pennsylvania press.

If the battle for the Constitution began in Pennsylvania, the first victory was registered in tiny Delaware. That state's recently elected legislature opened its annual session on 24 October 1787 and received Congress' resolution the same day. Because of pressing state issues, the legislators did not get around to approving a call for a ratification convention until 10

John Dickinson *(oil on canvas, by Charles Willson Peale, 1780, Independence National Historical Park Collection).*

November. The subsequent election of delegates for the special convention revolved around personalities rather than issues, but the convention, despite the election's rowdiness, demonstrated a strong consensus when it assembled in Dover on 3 December. The Federalists carefully cultivated this consensus. Led by signers John Dickinson and George Read, they emphasized the natural advantages of a strong protective national government for the small states. After only three days of debate, all thirty delegates voted for adoption, formally signing the document on 7 December. Delaware's unanimous decision gave the state the honor of being the first to ratify. If also allowed its Federalists to turn their energies to the national stage. Dickinson took the lead, preparing a masterful set of articles under the name "Fabius" that appeared in papers across the country in the spring.

Meanwhile, the Pennsylvania convention had assembled in Philadelphia on 21 November. Its sixty-nine members knew that the outcome was a foregone conclusion, for the Federalists had rolled up a two-to-one majority. Under the leadership of James Wilson (the only convention delegate who had signed the Constitution), Thomas McKean, and Benjamin Rush, they attempted to push for speedy approval. The Antifederalist leaders, men of deep commitment but relatively limited political experience, sought to stall in the hope that something would emerge to reverse public sentiment. Although they mustered enough votes to drag matters out for

three weeks, they failed to force an adjournment so that the voters could consider fifteen Antifederalist amendments. At the end of a session marked by flaring tempers and debates that nearly degenerated into fisticuffs, the Federalists won approval for unconditional ratification on 12 December by a vote of 46 to 23.

On 13 December the majority paraded to the city court house, accompanied by various public officials and the Philadelphia militia, to proclaim the news to the people. Their convention marked an important Federalist triumph, bringing one of the four key states into the fold at the outset, but it was a bruising experience. The losing side refused to concede victory and left determined to galvanize opposition in other states.

Three small states rapidly fell into line behind Delaware and Pennsylvania as the Federalists' plan to establish a sense of momentum took hold. New Jersey was clearly predisposed to the new government. Along with Connecticut and New York it had borne much of the burden of supporting George Washington's troops during the Revolution, and thereafter it had upheld the principle that only a strong central government could effectively provide for national defense. It was also popularly assumed in New Jersey that the new Constitution would bar the discriminatory tariffs being imposed by the ports of Philadelphia and New York. Beyond these important considerations, a quick Federalist victory seemed likely because the Antifederalists were poorly organized, while two signers, the immensely popular Governor William Livingston and state Chief Justice David Brearly, led the fight for approval. In the end it took just nine days in Trenton for the 38-member convention to complete its business. Only four of them were consumed in actual debate before ratification passed unanimously on 18 December.

Georgia followed suit with a unanimous vote (26-0) on 31 December. Like New Jersey, the state was greatly concerned with fairly apportioned and effective national defense. It too had undergone invasion by British forces during the Revolution, and in succeeding years population growth along its frontier had raised the specter of conflict with the Indians. Local leaders knew that they could not hope to cope with that eventuality alone. Their legislature received the official news of the Constitution on 18 October and eight days later approved a convention, whose members were to be elected at the same time as the regular state officials. Unlike any other state, Georgia specified that no person sitting in the ratification convention could hold any state "position of honor or pay," thereby excluding most of the state's experienced politicians.

This decision had little impact on the outcome, but it did create problems in organizing the convention. Scheduled to begin on Christmas Day in Augusta, the convention could not raise a quorum until 28 December. But once seated, the delegates worked with considerable speed.

After a day and a half consumed with procedural matters and an equal time for discussion of the Constitution, they voted approval on 31 December. After another delay while the delegates debated the wording of their assenting resolution, Georgia formally ratified the Constitution on 2 January 1788.

After one serious, if lopsided, contest and three easy votes, the Federalists turned their attention to Connecticut. Here the issues were somewhat confused. The state had compiled an excellent reputation for supporting the Continental Army throughout the Revolution, but it was part of New England, where tradition and sentiment ran strongly in favor of direct participatory democracy as exercised through the town meeting—a sentiment that might have predisposed voters to the Antifederalist side. Fortunately for the Federalists, they enjoyed the support of most of the experienced leaders in the state, headed by the wartime governor, Jonathan Trumbull, now in retirement, and Samuel Huntington, once president of Congress and now governor. All ten of the state's newspapers supported ratification, and signers Roger Sherman (under the pen names "A Farmer" and "A Countryman") and Oliver Ellsworth ("The Land-Holder") came home to lead the campaign in the press.

Connecticut's ratification convention—with nearly 200 members, by far the largest to date—assembled on 3 January in the capitol building in Hartford, but it moved the next day to the First Congregational Church, which enjoyed a heating system. Six days of debate followed, with the overwhelming Federalist majority giving full consideration to the objections of the minority and answering them with reasoned speeches, a marked departure from events in Pennsylvania the previous fall. On 9 January the convention voted its approval, and the yeas signed the ratification instrument. Although forty Antifederalists refused to sign, they left the convention feeling far more reconciled to the outcome than their brethren in the Keystone State. This fact was not lost on George Washington and the other Federalist leaders. Avoiding strong-arm tactics immediately became a cardinal tenet of their strategy as the campaign for ratification entered its second, critical phase.

THE BATTLE JOINED

The Federalists had enjoyed commanding advantages in each of the first five states to consider ratification. Widespread popular support for the new instrument of government already existed in each, and their state govern-

ments provided for the speedy election of the special ratification conventions. None of the remaining eight states promised such easy victory. In these states the sense of political momentum in favor of the Constitution that had served so well in the initial battles would mean little since the opposition was strong and prepared. For the ensuing contests, the Federalists had to rely heavily on their efforts to convince individual voters to support Federalist candidates for seats in the ratification conventions.

At the heart of these efforts were many articles and broadsides that offered a host of reasons why the Constitution deserved popular support. In particular, Alexander Hamilton, James Madison, and John Jay published eighty-five essays under the collective pen name "Publius." Intended merely as a point-by-point rebuttal of the main Antifederalist arguments and offered in the heat of a partisan political campaign, they endure as *The Federalist Papers*, one of the most important works of political theory in the western world.

After delegates were elected to each ratification convention, the Federalists tried to apply superior organization, parliamentary skills, and the leadership of prominent political veterans to offset any remaining numerical disadvantages. They also employed their nationwide network of allies to exert their influence across state lines.

Massachusetts, the second of the Federalists' four key states to vote on ratification, provided the first true test of the Constitution's popularity. Not only did it share the traditional New England suspicion of central authority, but many of its voters harbored reservations about the manner in which the leaders of the emerging Federalist party had dealt with Shays' Rebellion, an uprising by the state's debtor farmers frustrated with the indifference to their plight shown by the mercantile interests who dominated the state government. Antifederalist forces took heart both from the fact that John Hancock, the popular governor, carefully refrained from taking sides on the ratification issue and from Elbridge Gerry's skillful denunciations of what he saw as the Constitution's defects. As a member of the Constitutional Convention, Gerry carried special weight with the state's voters. Heated arguments in the town meetings used for the election of ratification delegates seemed to indicate a trend against the Constitution. The fact that the convention would be the largest in any state—with roughly one delegate for every 1,000 eligible voters, the election would be the most representative in the state's history—also seemed to work in favor of the Antifederalists.

But when the 364 delegates assembled in Boston on 9 January, the outcome began to favor the Federalists. They were encouraged by the fact that 46 of the 318 towns entitled to representation chose not to participate in the convention. They were also heartened by the greater political experience of the Federalist leaders. Neither Samuel Adams nor John Hancock, the only two men of stature who could have organized an opposition, chose to

take an active part. On the other hand, the Federalists boasted two signers, Nathaniel Gorham and Rufus King; two Revolutionary War generals, William Heath and Benjamin Lincoln; a former governor, James Bowdoin; and three rising politicians, Theodore Sedgwick, Theophilus Parsons, and Fisher Ames. After assessing the situation, the Federalist leaders quickly acquiesced in Hancock's election as presiding officer and state Chief Justice William Cushing's selection as vice president. They then set out to argue dispassionately the merits of the Constitution, using the tactics that had proved so successful in Connecticut.

The Federalists won an important parliamentary victory on the first day, turning back an Antifederalist motion to adjourn and passing rules requiring a detailed, clause-by-clause discussion before any ratification vote could take place. In six-day work weeks, the Federalists responded to each and every objection with respectful and erudite arguments. Cushing presided in place of an ailing Hancock, who continued to avoid taking a stand on the ratification issue.

The Federalists came to the conclusion that a crucial block of delegates might swing their way if the issue of the absence of a bill of rights could be resolved. Convinced that none of the remaining state conventions would give unconditional approval to the Constitution, they turned to the idea of a ratification instrument that included amendments *recommended* for implementation after the new government went into effect. It was a tricky point, for the instrument of approval had to be phrased in a way that would not make the adoption of the changes a *condition* of approval, since such a conditional ratification would violate the spirit of the Framers' intent. They had another problem: a motion to include recommendations for a bill of rights would be more effective as the basis for compromise if it emanated from a neutral party. Hancock was an obvious choice, and the Federalists successfully convinced him now to take his seat as presiding officer and to introduce nine amendments drawn up by the Federalists.

It took another week for this plan to succeed, but finally on 6 February, after a round of conciliatory speeches, the ratification instrument, with Hancock's nine amendments, passed by a vote of 187 to 168. The wisdom of the Federalists' nonconfrontational approach was immediately apparent when, in marked contrast to the experience in Pennsylvania, most of the Antifederalist leaders in Massachusetts agreed that the democratic process had been followed in the convention and that they would now support the will of the majority.

STATE CONVENTIONS FOR THE RATIFICATION OF THE CONSTITUTION

STATE	*DATES OF CONVENTION*	*SITE OF CONVENTION*	*PRESIDING OFFICER*	*DATE OF VOTE*	*FOR/AGAINST*
Delaware	2-7 December 1787	Dover	James Latimer	6 December 1787	30-0
Pennsylvania	21 November-14 December 1787	Philadelphia	Frederick A. C. Muhlenberg	12 December 1787	46-23
New Jersey	11-18 December 1787	Trenton	John Stevens	18 December 1787	38-0
Georgia	25 December 1787-5 January 1788	Augusta	John Wereat	31 December 1787	26-0
Connecticut	3-9 January 1788	Hartford	Matthew Griswold	9 January 1788	128-40
Massachusetts	9 January-7 February 1788	Boston	John Hancock	6 February 1788	187-168
Maryland	21-29 April 1788	Annapolis	George Plater	26 April 1788	63-11
South Carolina	12-24 May 1788	Charleston	Thomas Pinckney	23 May 1788	149-73
New Hampshire	13-22 February 1788	Exeter	John Sullivan	22 February 1788	(56-51[a])
	18-21 June 1788	Concord	John Sullivan	21 June 1788	57-47
Virginia	2-27 June 1788	Richmond	Edmund Pendleton	26 June 1788	89-79
New York	17 June-26 July 1788	Poughkeepsie	George Clinton	26 July 1788	30-27
North Carolina	21 July-2 August 1788	Hillsboro	Samuel Johnston	2 August 1788	(84-184[b])
	16-23 November 1789	Fayetteville	Samuel Johnston	21 November 1789	194-77
Rhode Island	1-6 March 1790	South Kingstown	Daniel Owen	6 March 1790	(28-41[c])
	24-29 May 1790	South Kingstown	Daniel Owen	29 May 1790	34-32

[a] Vote taken on motion to adjourn (Federalist position).
[b] Vote taken on motion to neither ratify nor reject (Antifederalist position).
[c] Vote taken on motion to adjourn (Antifederalist position).

Supporters of the Constitution also faced an uncertain outcome in New Hampshire. Its ratification convention assembled in Exeter on 13 February. The Antifederalists had outpolled the Federalists in the selection of delegates, but both signer John Langdon and Revolutionary War general John Sullivan, the leaders of the state's two major political factions, supported ratification, and their combined experience and the discipline of their followers easily offset the Antifederalist edge in delegates. Sullivan was elected presiding officer, and under his watchful eye the convention spent a week in a clause-by-clause discussion of the Constitution, a delaying tactic that worked to the Federalists' advantage. Finally, on 22 February, the Federalists were able to swing enough votes to push through an adjournment. This apparent first setback for the nationalist cause in the ratification process actually marked an important victory for the Federalists. They had come to realize that a number of key delegates, convinced by the arguments they had heard, now wanted to change their positions. In keeping with New England's venerable political customs, however, these men felt honor bound to vote according to their towns' initial instructions. The Federalists determined that a recess would allow time for these men to return home and persuade their town meetings to alter those orders.

Before New Hampshire's convention could reconvene, the fight passed to two southern states. The Antifederalists were confident of quick victory in Maryland because so many of the state's political leaders, including Luther Martin and John F. Mercer, both delegates to Philadelphia, had publicly come out against the Constitution. But their confidence cost them dearly. In the first place they failed to organize an effective campaign during the election for convention delegates and consequently were soundly beaten by the Federalists. Then to compound their error, their leaders delayed their arrival in Annapolis until after the convention had opened on 21 April, only to find themselves outmaneuvered by the Federalists in the first parliamentary rounds.

The Antifederalists had assumed that by delaying the opening session and taking advantage of the Federalists' habit of discussing the issues at length, they might drag things out until neighboring Virginia began its convention. News of the widely anticipated defeat of the Constitution in Virginia, they calculated, would offset their minority strength in the Maryland convention. Instead, the Federalists took advantage of their majority to push through rules of procedure that limited discussion and forced an early vote. On 26 April a belated attempt by the Antifederalists to introduce a list of twenty-eight amendments failed, and, by a lopsided margin of 63 to 11, the Constitution was approved without qualification. Two more days were spent completing convention business, during which time the Federalists easily quashed a second attempt to introduce crippling

George Washington *(oil on canvas, by Gilbert Stuart, c. 1795-96, National Gallery of Art).*

amendments.

Maryland's convention marked the last time the Federalists mustered the strength to win a straight yes or no vote. In the remaining contests a more even balance between the political sides forced the Constitution's supporters to compromise, employing the tactic introduced in Massachusetts whereby approval would include a series of amendments recommended by the state to the new government.

South Carolina's Federalists were the first to follow the Massachusetts example. Its convention met in solidly Federalist Charleston on 12 May, but strong Antifederalist forces from the western counties were well represented and promised a good fight. Three days were consumed with procedural matters, including the election of Governor Thomas Pinckney, a Continental Army veteran, as presiding officer, before a detailed debate of each article of the Constitution began.

For nine days the Federalists discussed the articles in reasoned tones, concentrating on the specific objections voiced by their western opponents. But here the tactic failed to move the western delegates, who remained deeply suspicious of any political arguments coming from representatives of the Tidewater region. Charles Pinckney and his cousin, Charles Cotesworth Pinckney, both signers of the Constitution, and the other Federalist leaders then began to offer a series of recommended amendments to try to swing western votes to the yea column. An attempt by the

Antifederalists to defeat the Constitution by adjournment failed on 21 May, and two days later a committee reported out four proposed amendments that were designed to strengthen the rights of states in dealing with the central government. After the Federalists mustered sufficient strength to reject additional amendments offered from the floor, including a bill of rights, a motion to ratify the Constitution that included a recommendation that the four amendments be added later to the document then passed by the comfortable margin of 149 to 73.

South Carolina's vote increased the total of states that had approved the Constitution to eight; one more would put the document into effect. The drama mounted as June 1788 began, for both Virginia and New York (the remaining two key states) were scheduled to consider ratification during that month, and New Hampshire was due to meet again. The Antifederalists, unbowed by their string of defeats, were still determined to seize the day. Secure in the knowledge that both Virginia and New York were governed by popular men who had openly attacked the Constitution, they redoubled their efforts in those states. For their part, the Federalists used a network of politicians and veterans to establish a courier service to link the three conventions in order to coordinate the efforts of their forces.

The New Hampshire delegates assembled last, but acted first. Thanks to the Federalists' skillful maneuver in February to adjourn the convention so that delegates could report to their town meetings for new instructions, Langdon and Sullivan arrived at the new convention site in Concord on 19 June with enough votes in hand to render ratification a foregone conclusion. On the third day of debate a bipartisan committee crafted a list of twelve amendments. At this point the only real question left was whether the Antifederalists would try to make them a binding condition for ratification. After the Federalists carried that point, ratification was approved by a final vote of 57 to 47 at 1 P.M. on 21 June 1788. The hour was carefully noted in the convention's journal to establish New Hampshire's claim to being the state that turned the Constitution into a reality. Langdon and Sullivan immediately sent messengers hurrying south to try to influence the outcome in New York and Virginia.

Ironically, other factors proved more important. The results of the New York and Virginia conventions would hinge instead on debates between teams of highly articulate spokesmen for the respective sides. The contests in both states demonstrated just how flexible and creative the Federalists had become in carrying through their program, especially when the opposition not only enjoyed an enormous numerical advantage, but could finally boast leaders to match the Federalists in experience and talent.

Virginia's convention assembled in Richmond with evenly matched galaxies of leaders. The Antifederalists rallied behind the popular ex-

governor Patrick Henry and George Mason, while the Federalists included James Madison, Henry Lee, Edmund Pendleton, and George Wythe. Offstage, the commanding figure of General George Washington lent further credibility to the nationalist cause. At issue were the votes of the uncommitted delegates who would spell the margin of victory. After electing Pendleton as presiding officer and Wythe as chairman of the committee of the whole, where most of the actual debate would occur, the two sides agreed to a lengthy line-by-line discussion of the merits and defects of the document. They also quickly chose more expansive quarters in the new Academy building on Shockoe Hill, in part to provide room for the crowds of spectators.

Serious debate began on 4 June with the unexpected announcement by Governor Randolph, who had refused to sign the Constitution in Philadelphia, that he had experienced a change of heart. This statement infuriated Mason, who later compared the governor to Benedict Arnold. For three weeks the crowded galleries were treated to ringing rhetorical exchanges. Henry's famed oratory appeared to be winning over the undecided. But the long days of debate began to wear on the delegates, especially those who served simultaneously in the Virginia legislature, which began to sit on 23 June. This widespread weariness, plus the Federalist assessment that they did not have the votes to win outright, caused them to shift tactics. Applying what had worked before, Madison and his companions turned to developing another series of recommended amendments to achieve compromise.

This move changed the focus of the debate. Ratification if accompanied by amendments was now conceded by all. At issue again was whether these amendments would be in the form of *recommendations* as proposed by the Federalists or binding *conditions* of ratification as demanded by the Antifederalists. The issue was joined on 24 June during a session that began routinely enough. Pendleton gaveled the body to order and turned the chair over to the committee of the whole. But in a departure from normal procedure, he called upon Thomas Mathews rather than Wythe to preside. This tactic allowed the widely respected Wythe to participate in the actual debating, and Mathews immediately recognized him. Wythe introduced a motion to consider a list of recommended amendments. A furious Henry countered with a proposal to consider a series of conditional amendments. Randolph then asked whether Henry was prepared for the consequences if the new federal government chose not to honor conditional amendments—would the Antifederalists then want Virginia to secede from the Union? Further discussion was drowned out by the noise of a violent thunderstorm, and the convention was forced to adjourn.

The postponement proved advantageous to the Federalists, for Virginia

Alexander Hamilton *(oil, by John Trumbull, 1792. National Gallery of Art).*

Attorney General James Innes, their best public speaker, finally arrived the next day in time to deliver a major summation of the Federalist position. He eloquently pressed the notion that the convention had nothing further to gain from prolonging debate, and that the Constitution's supporters were willing to back any amendments that did not violate the basic intent of the Framers. In a move that stunned the convention and promptly removed any Antifederalist chance of victory, Patrick Henry rose to concede that Innes made a great deal of sense and that perhaps it would be best to amend the Constitution later by using the methods devised by its Framers.

After some further discussion, the committee of the whole transformed itself into a formal session. The motion to make ratification conditional on acceptance of the amendments was defeated 80 to 88, and the Wythe motion for merely recommending amendments passed 89 to 79. The convention finally adjourned on 27 June after delegates made a number of conciliatory speeches and approved the Constitution without a roll call but with a covering letter that included a 27-part bill of rights and twenty other amendments. It was not until the following day that news of New Hampshire's decision reached Richmond.

If in Virginia the Constitution won through the skill of its defenders and the weight of their arguments, in New York timing was all. By the day New York's convention assembled in Poughkeepsie's court house, seven long months of intense public discussion of the issues had taken place. Voters

had been able to weigh the arguments advanced by Antifederalist writers such as "Cato," and, in particular, by signer Alexander Hamilton on the other side. The citizens had registered their decision by electing 46 Antifederalists, led by Governor George Clinton, a former Continental Army general, and only 19 Federalists, headed by Hamilton.

The delegates spent two days, 17 and 18 June, on procedural matters, including selection of Clinton as presiding officer. The Federalists were surprised when Clinton agreed to allow a lengthy debate of each article of the Constitution before taking a vote. Actually, Clinton, sure of victory, was reluctant to have New York be the first state to vote down the Constitution. He was willing to delay the final vote in the hope that either Virginia or New Hampshire would record the first rejection. For the next month the opponents engaged in a great verbal sparring match (primarily pitting Hamilton against Melancthon Smith) that apparently changed few if any opinions. Not even the news of New Hampshire's ratification, which arrived on 25 June, shook the Antifederalist ranks. On the other hand, it did subtly alter the essence of the debate, for now the key issue revolved around the question of whether New York would join the Union, not whether the Union would come into being.

The news from Virginia put the issue in starker terms. About noon on 2 July William S. Livingston, a Federalist and former Continental Army officer, arrived in Poughkeepsie after riding the 82 miles from New York City in seven and a half hours. He brought word that Virginia had ratified. Now only North Carolina and tiny Rhode Island remained with New York outside the fold. Such isolation was an unexpected development. Two days later, on the anniversary of Independence, the Federalists, in a move designed to take advantage of the new situation, abruptly altered their tactics and refused to participate in further debate.

The Antifederalists had little room left in which to maneuver. The only real issue for them to consider was what form of ratification they could accept, for they had no intention of keeping the state out of the Union. On 23 July Antifederalist Smith took the floor and said he had never wanted outright rejection of the Constitution, but rather had sought to remedy its defects. Now, he added, he had come to accept the Federalists' sincerity in promising to push for amendments after the document went into effect. A number of other Antifederalist leaders followed suit, and a hasty test vote indicated that the compromise position held a slim 31 to 29 advantage. On 25 July the committee of the whole voted for ratification 31 to 28, and the full convention gave its consent the next day by a vote of 30 to 27. The Federalists then joined in a unanimous vote to send a circular letter to every state suggesting a second national convention to deal with the amendment process and to adjourn the convention.

FINAL CONSENSUS

The votes of the last two key states, Virginia and New York, ended the second, critical phase of the ratification struggle. At this point only two states remained outside the fold, but to the Federalists unanimity now became the objective. Both North Carolina and Rhode Island had particular local political situations that contributed to a lack of popular support for the Constitution. Neither would ratify before the new government opened for business, and both would take several tries to complete action. North Carolina had a very strong traditional antagonism between its sections and was fragmented into a multitude of ethnic, cultural, and religious groups, all busily contending for a share of power. Shortly after the vote to send delegates to Philadelphia in 1787, the balance of power swung to a new alliance of politicians, heavily influenced by western counties. They were far less interested in national issues, and felt no compelling reason to change the existing structure of government. Therefore, when the state legislature voted on 6 December 1787 to call a ratification convention, it deliberately put off its opening until 21 July 1788.

North Carolina's convention assembled in Hillsboro in the full knowledge that the Constitution had already won approval. In effect, participation in the Union, not ratification of the Constitution, was the issue to be decided by the delegates. Although Governor Samuel Johnston was accorded the honor of presiding, the dominant figure was Antifederalist Willie Jones, who controlled a majority of votes. Badly outnumbered, the Federalists relied heavily on William R. Davie, the only delegate who had been in Philadelphia, to present the case for the Constitution. The basis of the Federalist argument was that the Antifederalists were trying to declare independence for North Carolina. The Antifederalists countered by citing Thomas Jefferson's view that if only a minimum number of states ratified, a second convention would be needed to accommodate the minority through a discussion of amendments. After winning approval for a long series of amendments by a vote of 184 to 84, the Antifederalists forced adjournment without further action on the Constitution. After considering minor state matters, including a resolution to move the state capital to Raleigh, the convention dissolved on 4 August.

North Carolina did not have the luxury of acting in isolation. The First Congress under the Constitution convened in New York City on 4 March 1789, with the House of Representatives achieving a quorum on 1 April and the Senate five days later. As soon as formalities were completed, Congress met in joint session as specified in Section 1, Article II, to open and count the ballots of the Electoral College, which had voted on 4 February. To no

James Madison *(oil, by Gilbert Stuart, 1804, courtesy of Colonial Williamsburg Foundation).*

one's surprise, they discovered that George Washington had been unanimously elected as the first President. He took his oath of office on 30 April and in partnership with the Congress proceeded to organize the executive and judicial branches.

In his opening day address to the newly elected state legislature on 3 November 1789, Governor Johnston warned that Congress was in the process of passing legislation that affected North Carolina without having North Carolinians present in either chamber. The Antifederalists failed to block the Federalists' effort to call an election for a new ratification convention, and the convention was called to order in Fayetteville on 16 November.

The Federalists had considerably improved their fortunes in the interval between conventions. This time they fielded better candidates, gathering considerable support in the western counties because of the need for military protection against the Indians. Most North Carolinians found George Washington's administration quite acceptable and were well aware that Madison was already at work in the House of Representatives drafting a bill of rights to be added to the Constitution. Only three days of debate were needed before North Carolina voted 194 to 77 in favor of ratification on 21 November.

Rhode Island, the last of the original thirteen states to come into the fold, had traditionally put particular emphasis on local government and,

like North Carolina, harbored strong suspicions of the power of a distant national government. Overriding other considerations was the issue of paper currency. A majority of Rhode Islanders objected to the Constitution's prohibitions concerning state currency. Accordingly, the state legislature, based on instructions its members received from their local town meetings, voted eleven times between February 1788 and January 1790 *not* to call a ratification convention. Finally, pressures exerted by the federal government persuaded Governor John Collins to cast a tie-breaking vote (a move that would cost him renomination) in favor of a ratification convention.

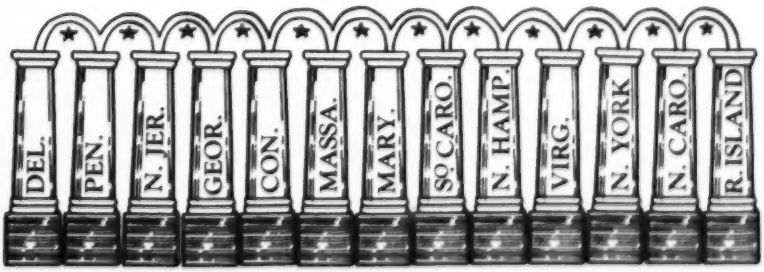
The convention assembled in South Kingstown on 1 March 1790 and spent six days discussing the Constitution and Madison's twelve-part Bill of Rights, which Congress had approved and had sent to the states. The delegates added another eighteen potential amendments. On 6 March, over vigorous objections from the Federalist minority, they decided to adjourn until May to allow the annual April town meetings to consider the issues. On 24 May the same delegates reassembled and faced an immediate crisis. Providence, the largest economic center in the state, had voted in its town meeting to secede from Rhode Island if the Constitution was not ratified. Newport, the state's other major port, probably would do the same. For five days the members argued back and forth. Finally, on Saturday, 29 May 1790, by the narrowest of margins (34 to 32, with three known Antifederalists deliberately absenting themselves) the last of the states gave its assent. The convention also approved eleven of Madison's amendments and recommended a further twenty-one.

It was probably inevitable that the ratification process—the vital task of persuading representatives of the American people to adopt the Constitution in 1788—has been overshadowed historically by the events surrounding the writing of the Constitution. The work of the Founding Fathers at Philadelphia in the summer of 1787 has rightly been celebrated as a paramount achievement in American history and as a crowning step in the development of applied political philosophy. Without question, the Constitution was a singular work of political genius, one that has allowed the nation to prosper for two hundred years, and one that reflected the particular experience and perspective of the Soldier-Statesmen of the Constitution, those veterans who energetically supported the concept of strong central government. But popular neglect of the thirteen separate ratification conventions should not mask the fact that winning approval of the Constitution was also a key event in the history of the nation. If many people assume today that ratification was a given once the Constitution was signed, it certainly did not appear that way to the dedicated men who had to defend the articles of the new document before concerned locally elected delegates. As this brochure demonstrates, ratification was accomplished

with the aid of some luck, but also with a great deal of skill, perseverance, and carefully considered arguments.

It can be convincingly shown that the ratification process was in its own right an important step in creating a sense of nationhood. Through the issues raised in the town and county elections for convention delegates, in town meetings held to discuss the Constitution, in the state convention debates, and in the great outpouring of articles, printed speeches, and broadsides for and against the new document, the people at large were made aware as never before of just what a federal republic was, and what their rights and responsibilities were under such a novel form of government. Those who defended the Constitution at the special ratification conventions had to convince their fellow citizens that it was all right to divide their loyalty and trust between their state, which still represented the ideal of independence, and the first strong central government since England's defeat. Prominent among these defenders were such Soldier-Statesmen as Hamilton, Dickinson, Livingston, Brearly, King, Langdon, and the two Pinckneys, as well as such Revolutionary War generals as Heath, Lincoln, and Sullivan.

It was no mean feat that the Federalists were able to convince the American people that central government could be checked in a democratic way and that the powers of that government would therefore be harnessed for the greater public good. In a very real sense the ratification process brought to the people a clearer understanding of the concept of a government of the people and gave birth to the Bill of Rights.



Newspapers used visual images to depict the course of the ratification struggle. A favorite Federalist device showed a Temple of Liberty, Justice, and Peace, with voters adding a pillar to the "federal edifice" as each state ratified. The design shown above is based on that used by the *Massachusetts Centinel*.

Further Readings

The single most important amplification of the Founders' intentions and most essential source to an understanding of the nature of American government remains *The Federalist Papers* written by Alexander Hamilton, James Madison, and John Jay (edited by Jacob E. Cooke, 1961). For a useful overview of the ratification conflict see Forrest McDonald's "The Anti-Federalists, 1781-1789," *Wisconsin Magazine of History* 46 (1963); Cecelia Kenyon's "Men of Little Faith: The Anti-Federalists on the Nature of Representative Government," *William and Mary Quarterly* 12 (1955); Jackson Main's *The Antifederalists: Critics of the Constitution* (1961); and Robert Rutland's *The Ordeal of the Constitution: The Antifederalists and the Ratification Struggle of 1787-1788* (1966). The stories of the thirteen state conventions have not been treated in equal detail by historians. The best source for each state (in the order of ratification) are Leon De Valinger's *How Delaware Became the First State* (1970); William Benton's "Pennsylvania Revolutionary Officers and the Federal Constitution," *Pennsylvania History* 31 (1964); *Minutes of the Convention of the State of New Jersey, Holden at Trenton the 11th Day of December 1787* (1788); Julia Bland's *Georgia and the Federal Constitution* (1937); Bernard Steiner's "Connecticut's Ratification of the Federal Constitution," *American Antiquarian Society Proceedings* 25 (1915); Samuel Harding's *The Contest over the Ratification of the Federal Constitution in the State of Massachusetts* (1896); Philip Crowl's "Anti-Federalism in Maryland, 1787-1788," *William and Mary Quarterly* 4 (1947); George Rogers' "South Carolina Ratifies the Constitution," *South Carolina Historical Association Proceedings for 1961;* Nathaniel Eiseman's *The Ratification of the Federal Constitution by the State of New Hampshire* (1938); Hugh Grigsby's *The History of the Virginia Federal Convention of 1788* (2 vols., 1890-91); Linda De Pauw's *The Eleventh Pillar: New York State and the Federal Constitution* (1966); Louise Trenholme's *The Ratification of the Federal Constitution in North Carolina* (1932); Patrick Conley's "Rhode Island in Disunion, 1787-1790," *Rhode Island History* 31 (1972). The creation of the Bill of Rights, the most enduring by-product of the ratification process, is told in Irving Brant's *The Bill of Rights: Its Origin and Meaning* (1965) and Robert Rutland's *The Birth of the Bill of Rights, 1776-1791.*

Cover: *Scene of the Signing of the Constitution of the United States,* by Howard Chandler Christy, courtesy of the Architect of the Capitol.

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